

SURREY COUNTY COUNCIL

CABINET

DATE: 16 DECEMBER 2014

REPORT OF: MR MICHAEL GOSLING, CABINET MEMBER FOR PUBLIC HEALTH AND HEALTH & WELLBEING BOARD

LEAD OFFICER: SUSIE KEMP, ASSISTANT CHIEF EXECUTIVE

SUBJECT: APPROVAL TO AWARD A CONTRACT FOR THE PROVISION OF A COMBINED HEALTHWATCH AND NHS COMPLAINTS ADVOCACY SERVICE



SUMMARY OF ISSUE:

The Health and Social Care Act 2012 placed a statutory duty on local authorities to commission a local Healthwatch service and an independent NHS complaints advocacy service from 1 April 2013. This Cabinet report seeks approval to award a single contract following a competitive tender process for the provision of a Healthwatch and NHS Complaints Advocacy Service.

The Council is committed to engaging and involving residents in the planning, design and delivery of services – a strong local Healthwatch and Independent NHS Complaints Advocacy service in Surrey will support the achievement of this.

RECOMMENDATIONS:

It is recommended that a single contract is awarded to Healthwatch Surrey Community Interest Company (CIC) for the provision of Healthwatch and Independent NHS Complaints Advocacy Service as described in the Part 2 of the report for a period of three years commencing on 1 April 2015 with the option to extend for a maximum of a further two years.

REASON FOR RECOMMENDATIONS:

The existing contractual arrangements for the provision of Healthwatch and Independent NHS Complaints Advocacy Service will come to an end on 31 March 2015.

The award of a new contract from 1 April 2015 will ensure that Surrey residents continue to have a strong voice to influence and challenge how health and social care services are provided in Surrey and that the Council complies with its statutory requirements to commission a local Healthwatch and Independent NHS Complaints Advocacy service.

DETAILS:

Background

1. The Health and Social Care Act 2012 introduced a new role for local authorities in the co-ordination, commissioning and oversight of health and social care, public health and health improvement. This new role included a statutory duty to commission a local Healthwatch and an Independent NHS Complaints Advocacy Service from 1 April 2013.
2. Local Healthwatch Surrey is the independent consumer champion for both health and social care in Surrey. Its overall aim is to give residents and communities a stronger voice to influence and challenge how health and social care services are delivered in Surrey. Local Healthwatch provides or signposts people to information to help them make choices about health and care services.
3. Independent NHS Complaints Advocacy Service is responsible for the provision of assistance for individuals making or intending to make a complaint about an NHS service they have received.
4. The NHS Complaints process covers:
 - i. all NHS Trusts and NHS Bodies including NHS Foundation Trusts
 - ii. family health services provided for the NHS by GPs, Dentists, Opticians or Pharmacists,
 - iii. private healthcare establishments if the treatment has been paid for by the NHS
 - iv. all other health services commissioned by NHS funding.
5. The two services are currently provided through two separate agreements:
 - i. The local Healthwatch service for Surrey is currently provided by a community interest company, Healthwatch Surrey CIC, which has three delivery partners – Help and Care, Surrey Independent Living Council and Citizens Advice Surrey.
 - ii. The current contract for the delivery of the Independent NHS Complaints Advocacy service for Surrey is being delivered by Support Empower Advocate Promote (SEAP) as part of a consortium arrangement for 10 local authorities across the south east.
6. Both the local Healthwatch and Independent NHS Complaints Advocacy agreements will expire on 31 March 2015 and a new contractual arrangement will need to be in place on 1 April 2015.
7. Following consultation and engagement with stakeholders together with learning from the different models that have been adopted in other parts of the country, a review of the current performance and existing contracts has been undertaken. Clear synergies between the local Healthwatch and Independent NHS Complaints Advocacy services have been established and a number of changes made to the approach being taken in Surrey.

These include combining the services into a single contract, commissioning a longer contract to ensure the benefits from the services can be more fully realised and a range of more detailed improvements to the service specification. As outlined in paragraph 4, this will ensure the resident voice is clearly heard and influences the way in which health and social care services are delivered in Surrey.

8. These changes will:
 - i. ensure resources and funding are utilised in the most efficient way, eliminating unnecessary duplication of service delivery
 - ii. maximise the impact of the service by bringing the work of local Healthwatch and Independent NHS Complaints Advocacy services closer together, creating an improved and seamless customer experience
 - iii. realise efficiency savings to ensure better value for money is achieved for Surrey residents.

9. The single contract for Healthwatch and Independent NHS Complaints and Advocacy service will deliver the following for Surrey residents:
 - i. provision of information and non-clinical advice to residents about accessing health and social care services and choice in relation to any aspects of those services
 - ii. promotion of and support for the active engagement of residents in the commissioning, provision and monitoring of local health care and social care services by obtaining the views of residents about their needs for, and experiences of, local services and ensuring that they are enabled and involved.
 - iii. provision of effective systems and processes, including research and analysis capability, to facilitate establishing evidence, providing reports and making recommendations about how those services could or should be improved, both for use locally to inform the Joint Strategic Needs Assessments (JSNA) and Health and Wellbeing Strategy and all providers and commissioners as well as nationally through its Annual Report to Local Healthwatch England
 - iv. provision of assistance for individuals making or intending to make complaints about an NHS service they have received.

10. The new service will be operational county wide and will take into account the geographical distribution of Surrey and the needs of its residents. It will be promoted to ensure that the service is widely recognised, accessible and visible to the public, service users, patients, carers and other health and social care organisations.

11. The service specification for the combined service sets out clearly the outcomes that the service is expected to deliver and the arrangements for monitoring the contract through, for example, quarterly review meetings and

ongoing requirements to gather feedback from key stakeholders and users of the service.

CONSULTATION:

12. An engagement event was held on 4 August 2014 with a wide range of stakeholders including service user organisations and potential providers. The outcome of the event alongside a review of existing arrangements and research into the approach being taken by other local authorities, helped to shape the approach being taken in Surrey for the combined local Healthwatch and Independent NHS Complaints Advocacy service.

RISK MANAGEMENT AND IMPLICATIONS:

13. The contract includes provisions which will protect the Council in the event of unsatisfactory performance issues. These provisions allow the Council to serve notice seeking the provider remedy any poor performance and/or suspend part of the service if deemed necessary.
14. The contract also includes termination provisions which will allow the Council to terminate the agreement with a minimum of three months written notice should funding cease, reduce or priorities change in accordance with Surrey Compact.
15. The following table outlines the potential risks and mitigation activity in place:

Category	Risk Description	Mitigation Activity
Financial	There is a risk that funding available from Department of Health may not be at the same level as 14/15	Provisions to vary or terminate the contract in the event that funding reduces or ceases. Specification is designed to afford flexibility in service levels if required.
Service	The service provider does not deliver national and or local objectives.	Strong performance management. Regular quarterly contract review meetings. Contractual clauses which allow the Council to suspend, terminate or use a substitute provider.

Service	Transition from existing model of service delivery to new model of single contract	Early exit management arrangements with existing provider will facilitate transition.
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Financial and Value for Money Implications

16. The Part 2 report provides details regarding the value of the contract.
17. The grant for 2015/16 has not yet been confirmed. The starting contract value and subsequent reductions are based upon the assumption of the grant remaining at its current level. Should the grant be changed then the contract allows for the contract value and service provision to be reviewed and renegotiated.

Section 151 Officer Commentary

18. The Section 151 Officer confirms that all material risks and issues have been considered and addressed. The contract absorbs inflationary increases and has efficiency savings built in, whilst also allowing for any reductions in grant funding to be reflected.

Legal Implications – Monitoring Officer

19. The Health and Social Care Act 2012 places a duty on local authorities to commission bodies known as Local Health Watch Organisations, to replace existing local involvement networks. To comply with this duty the Council has undertaken a competitive procurement exercise in accordance with the EU Procurement Treaty principles to ensure that a fair, transparent and non-discriminatory process has been undertaken in respect of procuring these Part B services. The Council has also complied with its Procurement Standing Orders.

Equalities and Diversity

20. The contract and service specification places specific requirements on the service provider to ensure that the promotion of equality and diversity is an important part of the way that the service is delivered.
21. Overall there will be a positive impact on all people living in Surrey and more so with some protected groups and proactive work will identify which groups are using the services.
22. A copy of the Equalities Impact Assessment is attached at annex 1 of this report.

Corporate Parenting/Looked After Children implications

23. Looked after children are vulnerable to a range of poor health outcomes and inequalities in accessing health and social care services. The local Healthwatch will seek to increase the voice of looked after children in the

planning and commissioning of health services and proactively engaging with relevant carers and organisations to enable this.

Safeguarding responsibilities for vulnerable children and adults implications

24. Local Healthwatch will have a role in ensuring the safeguarding of all Health and Social Care users across Surrey with a focus in particular to engage vulnerable children and adults in an appropriate way, so the outcomes for them are improved generally and in the wider health and social care landscape.

Public Health implications

25. Local Healthwatch has a role in promoting public health, health improvements and tackling health inequalities. Its work will have a positive effect on a wide range of public health initiatives and priorities, helping to drive and support the development and appropriate commissioning of services that meet the needs of residents and users of health and social care in Surrey.

WHAT HAPPENS NEXT:

26. The timetable below for the implementation of the service is as follows:

Action	Date
Cabinet decision to award (including call in period)	29 December 2014
Procurement Standstill Period ends	12 January 2015
Contract Award	12 January 2015
Contract Signature	23 February 2015
Contract Commencement Date	1 April 2015

27. The Council will work closely with the successful providers to ensure a smooth transition from the current provisions to the new service.
28. The current and new providers will be required to work together with regards to the transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 to ensure the continuity of staff for current service users and the successful transfer to the new service.

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Annexes:

Part 2 report attached as agenda item 18
Annex A Equalities Impact Assessment

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